

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 1067 of 2005

Between:

Smt. T. Chitambaramma, W/o Bhaskar Reddy, Hindu,
R/o Katrimala Village, Pamidi Mandal, Ananthapur District.

..... PETITIONER

AND

1 The Joint Collector,

Ananthapur.

2 The Revenue Divisional Officer,

Ananthapur, Ananthapur District.

3 The Mandal Revenue Officer,

Pamidi Mandal, Pamidi, Ananthapur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate writ, declaring the proceedings Rc.No. D1/CS/1713/04 dated 11-1-2005 of the 1st respondent as illegal, arbitrary and in violation of Art 14 and 21 of the constitution of India and consequentially direct the respondents to allow the petitioner to continue as F.P. Shop Dealer, for Shop of No.1 of Katrimala village, Pamidi Mandal, Ananthapur District.

Counsel for the Petitioner: Mr. S.D.GOWD

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORDER:

The Revenue Divisional Officer, Anantapur, 2nd respondent, issued a show cause notice, dated 08.12.2004 to the petitioner, a fair price shop dealer. She submitted her explanation on 23.12.2004. After taking the same into account, the 2nd respondent suspended the authorization of the petitioner through proceedings, dated 11.01.2005. Aggrieved thereby, the petitioner preferred an appeal before the 1st respondent. She also filed an application for interim orders. Her grievance is that the 1st respondent has not passed any interim orders so far and in the meanwhile, respondents 2 and 3 are taking steps to entrust the distribution of essential commodities to third parties.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

The 2nd respondent issued a show cause notice, dated 08.12.2004 to show cause as to why her authorization shall not be suspended. This step conforms to Clause 5(4) of the A.P.State Public Distribution System Control Order, 2001. The petitioner submitted her explanation. Once the explanation is submitted, the 2nd respondent is expected to pass an order indicating whether the authorization be suspended and if so, the period of suspension. The suspension of an authorization pending enquiry does not arise, once the enquiry is itself concluded. Though the 2nd respondent suspended the authorization of the petitioner as a measure of substantive penalty, he did not indicate the period of suspension. On the other hand, it is stated that her suspension is ordered pending enquiry. Hence, there is a clear contradiction in terms.

The delay on the part of the 1st respondent in disposing of the application for stay is likely to defeat the very purpose of preferring the appeal by the petitioner. When the main contention is as to the suspension being ordered without indicating any period, the hardship suffered by the petitioner in the event of the appeal being allowed cannot be compensated.

For the foregoing reasons, the writ petition is disposed of, directing that the order dated, 11.01.2005 passed by the 2nd respondent shall remain stayed, pending

disposal of the appeal by the 1st respondent. There shall be no order as to costs.

31.01.2005

Jsu

To:

1 The Joint Collector,

Ananthapur.

2 The Revenue Divisional Officer,

Ananthapur, Ananthapur District.

3 The Mandal Revenue Officer,

Pamidi Mandal, Pamidi, Ananthapur District.

4 Two CCs to the GP FOR CIVIL SUPPLIES,

High Court Buildings, Hyderabad (O.U.T.)

5 Two CDs